

# FEDERAL DEFENDANTS' EXHIBIT I

Wagner v. U.S. Dep't of Energy  
Civil No. 08-00136-HG-KSC (D. Haw.)

United States District Court, Northern District of Illinois

AE

Name of Assigned Judge or Magistrate Judge	Charles R. Norgle	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	05 C 2772	DATE	3/10/2006
CASE TITLE	Local 73 vs. The University of Chicago		

DOCKET ENTRY TEXT

Defendant's Motion to Dismiss Argonne National Laboratory [14-1]

Defendant's Motion to Dismiss Argonne National Laboratory [14-1] is granted. According to the motion, Argonne National Laboratory ("ANL") is not a legal entity, and is only a "physical location, or a collection of assets and property," and is not subject to lawsuits. See DeGenova v. Sheriff of DuPage County, 209 F.3d 973, 977 n.2 (7th Cir. 2000) ("To be sued in Illinois, a defendant must have a legal existence") (quoting Magnuson v. Cassarella, 812 F.Supp. 824, 827) (N.D. Ill. 1992); see also West v. Waymire, 114 F.3d 646 (7th Cir. 1997).

Furthermore, Plaintiff did not serve ANL within 120 of the filing of its Complaint, pursuant to Federal Rule of Civil Procedure 4(m). "If service . . . is not made upon a defendant within 120 days after the filing of the complaint. . . the court . . . on its own. . . shall dismiss the action without prejudice as to that defendant." FED R. CIV. P. 4(m).

For the foregoing reasons, Defendant Argonne National Laboratory is dismissed from this action. It is so ordered.



Docketing to mail notices.